

From: Mintz, Tom

Sent: Friday, February 23, 2018 02:04 AM

To: Basinger, David; Mia, Marcia; Kaminer, Joan; Creech, Christopher; Bermes, Peter

CC: Salazar, Matt; Jackson, Clarice; Johnson, Ivry

Subject: RE: Chevron U.S.A. Inc. Response: to FOIA # EPA-HQ-2018-001886

## Ex. 5 Deliberative Process (DP)

Have a great weekend.

Tom

From: Basinger, David

Sent: Thursday, February 22, 2018 7:21 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>

Cc: Salazar, Matt <Salazar.Matt@epa.gov>; Mintz, Tom <Mintz.Tom@epa.gov>; Jackson, Clarice <Jackson.Clarice@epa.gov>; Johnson, Ivry <Johnson.Ivry@epa.gov>

Subject: RE: Chevron U.S.A. Inc. Response: to FOIA # EPA-HQ-2018-001886

## Ex. 5 Deliberative Process (DP)

From: Mia, Marcia

Sent: Wednesday, February 21, 2018 3:05 PM

To: Basinger, David <Basinger.David@epa.gov>; Kaminer, Joan <Kaminer.Joan@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Bermes, Peter <Bermes.Peter@epa.gov>

Cc: Salazar, Matt <Salazar.Matt@epa.gov>; Mintz, Tom <Mintz.Tom@epa.gov>; Jackson, Clarice <Jackson.Clarice@epa.gov>; Johnson, Ivry <Johnson.Ivry@epa.gov>

Subject: RE: Chevron U.S.A. Inc. Response: to FOIA # EPA-HQ-2018-001886

## Ex. 5 Deliberative Process (DP)

Marcia B Mia, Acting Chief

Air Branch

Office of Compliance

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Basinger, David

Sent: Wednesday, February 21, 2018 5:26 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Salazar, Matt <Salazar.Matt@epa.gov>; Mintz, Tom <Mintz.Tom@epa.gov>; Jackson, Clarice <Jackson.Clarice@epa.gov>; Johnson, Ivry <Johnson.Ivry@epa.gov>

Subject: RE: Chevron U.S.A. Inc. Response: to FOIA # EPA-HQ-2018-001886

Just left voice mail with you on this.

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Let me know if you want to discuss further.

Dave

office 415.972.3506

From: Basinger, David

Sent: Tuesday, February 20, 2018 1:13 PM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Salazar, Matt <Salazar.Matt@epa.gov>

Subject: FW: Chevron U.S.A. Inc. Response: to FOIA # EPA-HQ-2018-001886

RE the following (email) response from Chevron (note yellow highlight):

Does HQ agree with the request to redact? If so, should this be done by the region or by HQ? We can discuss further in the call tomorrow if you wish.

Dave

office 415.972.3506

From: Owen, Susan [mailto:sowen@chevron.com]

Sent: Wednesday, February 14, 2018 10:52 AM

To: Basinger, David <Basinger.David@epa.gov>

Subject: Chevron U.S.A. Inc. Response: USEPA Region IX: response requested within three business days of receipt

Mr. Basinger -

Thank you for notifying Chevron U.S.A. Inc., (Chevron) about the November 21, 2017 FOIA request seeking certain reports that are required by NSPS 0000a and for allowing Chevron the opportunity to respond. Chevron's San Joaquin Valley Upstream Business Unit (SJVBUS) has one NSPS 0000a report that is responsive to the FOIA request. On October 18, 2017, SJVBUS submitted its "Initial NSPS Subpart 0000a Annual Report - Leak Detection," (LDAR Report) as required by 40 CFR Section 60.5420a(b). No CBI was identified in the LDAR Report and the company is not waiving its right to claim CBI with respect to any other documents. However, for the reasons noted below, we request that all individual's names and personal information be redacted in any document ultimately released by EPA.

Section 60.5420a(b) requires the name of the operator performing each monitoring survey and certification by a certifying official. In addition, but not required by the rule, Chevron identifies a person as the "Report Preparer" The identity of the LDAR operator, the certifying official and the report preparer is not CBI but should be exempt from disclosure under 5 U.S.C. §552(b)(6), allowing for exemption of personal

information when disclosure could constitute a clearly unwarranted invasion of personal privacy. The disclosure of operator names, certifying officials and report preparers is not likely to contribute to the public's understanding of oil and gas operations or EPA's regulations of those operations. Disclosure of the names of these individuals and other identifying information potentially subjects them to unwarranted inquiries from the public or the requestors.

Chevron requests that EPA redact all information that identifies any individuals named in the LDAR Report including names, job titles, email addresses, and phone numbers.

If you have questions or need additional information about this response, please contact me at the number below.

Susan

Susan Owen

Senior Counsel

Environmental & Safety Law Group

Chevron Law Department

Chevron Corporation

6001 Bollinger Canyon Road, T-3048

San Ramon, CA 94583

Tel: 925 842 6336

Fax: 925 842 8595

Email: [sowen@chevron.com](mailto:sowen@chevron.com)

This message may contain privileged and / or confidential information; please handle and protect it appropriately. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this message in error, please notify me immediately, and destroy the original message, including any attachments, without reading them.

From: Basinger, David [<mailto:Basinger.David@epa.gov>]

Sent: Thursday, February 8, 2018 1:36 PM

To: Basinger, David <[Basinger.David@epa.gov](mailto:Basinger.David@epa.gov)>

Subject: **[\*\*EXTERNAL\*\*]** from USEPA Region IX: response requested within three business days of receipt

The U.S. Environmental Protection Agency has received a request under the Freedom of Information Act (FOIA) for records containing information related to certain compliance records submitted to the EPA under the New Source Performance Standard (NSPS) for Oil and Gas (NSPS OOOOa). This FOIA request may be viewed at <https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d28171d08c>. If you have difficulty pulling up the web page, you can try going to <https://foiaonline.regulations.gov/>. Click on Search FOIA Requests, then enter EPA-HQ-2018-001886 in the Search Criteria/Search For field, and click Search.

The records requested include results of performance tests, initial semiannual reports for gas plants, semiannual reports for gas plants, annual reports and annual reports of excess emissions for sweetening units. We believe you may have made a submittal under one or more of the provisions §§60.5422a(b), 60.5422a(a), 60.5420a(b), or

60.5423a(b).

By your response to this email, please indicate whether you wish to assert a confidential business information (CBI) claim with respect to any portion of report submitted under §§60.5422a(b), 60.5422a(a), 60.5420a(b), or 60.5423a(b) or any addendum, update or attachment to report, that your company has submitted to EPA.

If you decide to assert such a claim, the EPA will temporarily treat the reports that you identify, and its updates, attachments and addenda, as confidential pending further investigation by the EPA. Please be advised that, as part of such further investigation, EPA is likely to request (in a subsequent communication) that you substantiate any CBI claim. If you do not assert a timely (see below) CBI claim with respect to any portion of a report or its addenda, updates or attachments, as described above, those records may be released to the requestor without further notice if EPA determines that the records are responsive to the FOIA request.

If you decide NOT to assert a CBI claim, please respond to this email and indicate your desire not to assert any CBI claims.

You have been identified by EPA as the responsible corporate official, under the FOIA regulations in 5 U.S.C. 552. Any CBI claim your company wishes to assert must be brought to the EPA's attention (by response to this email) no later than the close of business on the third working day from the date of this receipt by the responsible official (not including weekends). If you have any questions regarding this matter, please contact me by responding to this email or by phone (see below).

Dave Basinger

Environmental Engineer, Air & TRI Enforcement

Enforcement Division, Mail Code ENF-2-1

U.S. Environmental Protection Agency, Region 9

75 Hawthorne Street

San Francisco, CA 94105-3901

office 415.972.3506

fax 415.947.3519 (include name and mail code)

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